



KEVIN PETERSEN

STATE REPRESENTATIVE

Chairman Leibham and honorable members of the Committee on Economic Development and Veterans and Military Affairs;

Thank you for holding a hearing today on Senate Bill 84 – relating to expanding the eligibility of an unremarried surviving spouse of a veteran to claim the veterans and surviving spouses property tax credit.

The purpose of this bill is to repair an oversight affecting a small percent of unremarried spouses of Wisconsin veterans. Per Wisconsin law, eligibility for the veterans and surviving spouses' property tax credit includes several criteria. Among the parameters is a service – connected disability rating of at least 100% or a 100% disability rating based on individual unemployability per a formula used by the federal Department of Veteran Affairs.

If, after the veteran's death the federal Department of Veteran Affairs determines their passing was service-connected, their unremarried surviving spouse becomes eligible for benefits from the Civilian Health and Medical Program of the Department of Veterans Affairs, or CHAMPVA. This eligibility includes spouses of veterans even if they were not rated 100% disabled during their life.

However, the federal government does not change the pre-death disability rating. Unlike the federal government, Wisconsin has no statute to take into consideration whether or not the veteran's death resulted from a service-connected cause. Because the federal disability rating remains the same as it was prior to the veteran's death, their unremarried surviving spouses are not eligible for the surviving spouses property tax credit.

SB 84 expands the definition of eligible unremarried surviving spouse to include an individual who is eligible for, and receives, dependency and indemnity compensation from the federal government due to his or her spouse's status as a veteran whose death was service-connected and thereby replicates the federal definition.

The men and women who have gallantly served our country have done so at the risk of their own well being as well as their lives. We not only owe these heroes our continued gratitude, but the peace of mind in being assured we will continue our oath to care for them in their times of need, as well as the needs of those they hold most precious – their survivors.

August 30, 2011

Chairman Leibham and honorable members of the Committee on Economic Development and Veterans and Military Affairs:

(The following is a part of the paperwork that was submitted when I was applying for DIC and hopefully this will be part of my testimony of the life of Thomas G. Schubert.)

Tom Schubert was a loving husband, father and grandfather that loved his country, his family and loved life.

I, Mary Stern Schubert, have known Tom Schubert since he was in high school in the early 60's. Tom was a year ahead of me in school. We shared many of the same interests. He was very involved in sports, especially football. Tom played football all four years of high school, lettering 3 of them. He was an excellent athlete. After graduation from High School he went to the University of Wisconsin Stevens Point. After one year he decided college was not what he wanted, at that time he went to Alaska and worked on fishing boats and in the canneries. His health at that time and previous to this time was excellent. In the spring of 1966, Uncle Sam sent him a letter to report for military service, he received his notification on a Friday and had to report on the following Monday. He immediately left for home. Upon completion of his basic training and medical training in Texas, he was off to Viet Nam.

During the time he was in Viet Nam I kept in contact with him through his mother. She let me know very little, as she did not hear much from him. Later I found out why. He said he was in the jungle and had a job to do. He was a dedicated medic and soldier and I am sure he did his job well.

Tom came home in February of 1968. Our paths crossed once again when he got home and from that time on we dated. When he got home he was very sick. He had jungle rot on his feet, malaria, and he was bleeding from the rectum. The bleeding was so severe that he should have worn a kotex. He was being treated at Wood Hospital. He had to go two and three times a week to Wood. Wood Hospital was 120 miles one way from our hometown. That first Easter that he was home he was so ill that the Wood Hospital personnel told him he had to be there on Good Friday and be in the hospital over the weekend if he wanted to see a doctor on Monday. Well, he was there over the Easter weekend and didn't see a doctor until Tuesday. I traveled to Milwaukee on Easter to see him because I did not want him to be alone on his first Easter home from Viet Nam. At that time we were dating.

After he was discharged from the hospital to go home he still had to travel several times during the week for check ups and to get medication. This constant traveling continued for several months. In December of 1968 we were married. I knew Tom was very ill and I was determined to try and help him as much as possible.

Tom was lucky to get a job after he got out of the service. A childhood friend of his that was starting a boat production company hired him. This friend was very considerate of the time that Tom had to be gone from work and travel to Milwaukee. Unfortunately this business did not pay very much and he was too ill to do the hard work. My dad had two supermarkets in our hometown and he hired Tom and was most considerate of his problem. At the time he hired him in the grocery store, my dad decided to secure a liquor license and build a liquor store adjacent to the grocery store so that Tom would have his own business and would not have to lift and this would help him make a living. He continued to travel to Milwaukee, Wood Hospital. The doctors continued to pump him full of cortisone enemas, every night I had to give him one of these enemas. It seemed that the doctors didn't really want him bothering them anymore so they wanted to remove the problem and cut it out. My dad, who was a male nurse in World War II, took a real interest in Tom. Tom's father died when he was 7 years old, he had no role model and he became very close to my dad and asked him for advice. My dad went with Tom to Wood Hospital and told this doctor that Tom was too young of a man to do something so drastic, these doctor were not willing to try anything. Yes they did send him home with a grocery bag full of cort enemas. The enemas were just masking the problem. The doctors at Wood finally told Tom that he could go to the private sector and get a doctor in our area. At that time we went to see Dr. Joseph F. Bachman. Dr Bachman was a young doctor and was more than willing to help us. He immediately called Dr. Morrissey at the University of Wisconsin for help. Dr. Morrissey is the doctor that was a pioneer for the colonoscopy exam. Tom went to Madison several times during the next several years. Reports were sent to Wood Hospital for his records.

Dr. Bachman and Dr. Morrissey both concluded that Tom was too young to do such a drastic procedure as a colostomy. During all this time we started a family and we had a son in 1970 and a daughter in 1972. In 1972-73 Tom had a resection of his colon. The doctors removed a large section of the diseased colon. He had to continue to have colon exams and all of these exams had the results of inflammation and polyps. Tom was a fighter; we worked together with this problem. Special diets, certain foods had to be eliminated from his diet. I loved to cook so I made things I knew he could eat and sometimes he couldn't eat anything but baby food for several months.

To be very honest, Tom lost all respect for Wood Hospital. It seemed like all they wanted to do is cut it out not try any alternatives. I would like to note that all the Doctor appointments and exams etc. were paid for by our own private insurance. Tom did not want to go through all the red tape that was connected with Wood Hospital. He had a very bad taste of Wood Hospital.

During all this time dealing with Wood Hospital and his sickness he tried to get some disability compensation. That was a struggle too; he did finally get a 10% disability.

We tried to lead a normal life, bringing up our children and trying to do the things most families do with their children, but there were times that Tom was too ill to do anything. He occasionally would have bleeding episodes and he often would have loss of bowel control. Many times it would be bloody. It was embarrassing for Tom; he never knew

when he would have one of these accidents. He always had to have a change of clothes close by.

In the late 70's when all the discount stores came about, the liquor business was not making the profit that we needed to live on; therefore we were forced to leave the retail business. Tom changed jobs and went to work for Curwood. In 1983 he left Curwood and began working for Kimberly-Clark. During all this time he continued to get his periodic colon exams. Once again these exams always showed inflammation and polyps.

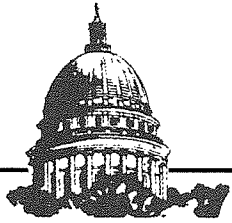
I would like to add that from the time that Tom got home from Viet Nam until his dying day he did not want to talk of Viet Nam, he said it was over, he did his job and he did not flaunt it that he was there. He only said that he was in Cambodia long before the U. S. admitted it. Tom often would wake at night shaking from nightmares of Viet Nam and on his deathbed his nightmares reoccurred.

It was in December of 2000 that he was having difficulty swallowing. At that time we went to see our family doctor. He ordered a barium swallow. Four days before Christmas we got the results that Tom had to go to a specialist and the day after New Years Tom was told he had Esophageal Cancer. He had no warning. Tom did not smoke and he did not drink. He did not have acid reflux. HE HAD NO WARNING AT ALL!

Apparently the records that were submitted to the VA review board for DIC benefits were never reviewed because if they were you would have noted that on Tom's discharge from the army it said. "Medically unfit for retention", this was issued in May of 1969. The Army admitted that he was not a healthy man. It is time that you realize that many of the men that were in Viet Nam came back home and died, it was just a slower death, and my husband was one of these hero's.

Sincerely,

Mary Schubert



WISCONSIN STATE SENATE
DAVE HANSEN
SENATOR – 30TH DISTRICT

State Capitol P.O. Box 7882 Madison, Wisconsin 53707-7882 Phone: (608) 266-5670

Testimony on Senate Bill 84-expanding eligibility for veterans property tax credit

Thank you Mr. Chairman and members for holding a hearing today on Senate Bill 84.

My name is John Wagnitz. I am a member of Senator Hansen's staff. Unfortunately, Senator Hansen had a previous engagement and couldn't make it today so I am here to testify on his behalf.

Senate Bill 84 was suggested by a constituent of Senator Hansen, Karen Ostrowski, of Sobieski. Unfortunately, Ms. Ostrowski was also unable to attend the hearing today. I have included a copy of her testimony with these remarks.

Senate Bill 84 makes a change to current state law to expand the eligibility for a property tax credit for unremarried, surviving spouses who are currently not eligible for this tax credit.

In our constituent's case, Ms. Ostrowski's husband died from a service-connected disability due to his military service in Vietnam. She was granted Dependency and Indemnity Compensation by the federal Department of Veterans Affairs but, because Mr. Ostrowski was too sick to register with the state Department of Veterans Affairs, she is not eligible for the property tax refund that is available to other surviving spouses.

We feel this is a fairness issue and that we should be providing this property tax credit to all surviving spouses of veterans who served our nation and died as a result of their military service.

The Assembly companion to this bill, Assembly Bill 121 was recently recommended for passage by a unanimous vote of the committee on Veterans and Military Affairs.

Thank you again for your consideration.

DATE: September 18th, 2011

TO: Committee on Economic Development & Veterans & Military Affairs
Senator Joseph Leibham – Chair
Senator Dave Hansen – 30th District

FROM: Karen A. Ostrowski
1467 County C – Sobieski, WI 54171

RE: Senate – PUBLIC HEARING – Tuesday – 09-20-2011
10:05 AM – or upon conclusion of executive session.

Relating to: expanding the eligibility of an unremarried surviving spouse of a veteran to claim the veterans and surviving spouses property tax credit.

Due to my work schedule, as Village Clerk for the Village of Pulaski, I'm unable to attend the Public Hearing on Senate Bill #84. I have been working with this issue since November 2010. Jerry Polus - Brown County Veterans Office and along with John Wagnitz – Office of State Senator Dave Hansen.

My late husband, Roy Ostrowski, a Vietnam Army Veteran, died on 09-29-2007, from lung cancer resulting from exposure to Agent Orange. I have been entitled to service connected death benefits - Dependency & Indemnity Compensation (DIC), and benefits under the CHAMPVA. I am very thankful for these benefits. However, I also feel that I am eligible to receive the property tax credit. Because of the language in the Wisconsin State Statutes, I am unable to receive this benefit.

Please approve Senate Bill #84 – to give widowed spouses of veterans access to a property tax credit. EXPANDING THE ELIGIBILITY OF AN UNREMARIED SURVIVING SPOUSE OF A VETERAN TO CLAIM THE VETERANS AND SURVIVING SPOUSES PROPERTY TAX CREDIT.

Thank you.

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